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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. *2013-543*

12 **MEGHAN HARRINGTON LAPETINA**
13 **7 Totterdale Court**
Orinda, CA 94563

ACCUSATION

14 **Registered Nursing License No. 660918**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about July 18, 2005, the Board of Registered Nursing issued Registered
23 Nursing License Number 660918 to Meghan Harrington Lapetina (Respondent). The Registered
24 Nurse License was in full force and effect at the time of the incident and expired November 30,
25 2012, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license.

9 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
11 within which the license may be renewed, restored, reissued or reinstated.

12 RELEVANT STATUTES

13 7. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 ...

18 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
19 functions, and duties of a registered nurse, in which event the record of the conviction shall be
20 conclusive evidence thereof.

21 "

22 8. Section 2762 of the Code states:

23 "In addition to other acts constituting unprofessional conduct within the meaning of this
24 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
25 chapter to do any of the following:

26 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
27 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
28 administer to another, any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
4 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
5 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
6 himself or herself, any other person, or the public or to the extent that such use impairs his or her
7 ability to conduct with safety to the public the practice authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
9 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
10 or the possession of, or falsification of a record pertaining to, the substances described in
11 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
12 thereof

13 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
14 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
15 section, in which event the court order of commitment or confinement is prima facie evidence of
16 such commitment or confinement.

17 ..."

18 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
19 revoke a license on the ground that the licensee has been convicted of a crime substantially
20 related to the qualifications, functions, or duties of the business or profession for which the
21 license was issued.

22 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
27 included in a stipulated settlement.

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DRUGS

11. Pancuronium Bromide (also known as Pavulon) is a dangerous drug per Code section 4022 and is used as a paralytic during surgery.

12. Anectine is a dangerous drug per Code section 4022 and is used as a paralytic during surgery.

13. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions Code section 4022. It is a stimulant drug.

FIRST CAUSE FOR DISCIPLINE

(CRIMINAL CONVICTIONS)

14. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), 2762(c), and/or 490 in that on or about August 4, 2010, in a criminal proceeding entitled *The People of the State of California v. Meghan Lapetina* in San Mateo County Superior Court, Case Number SM368441A, Respondent was convicted by her plea of nolo contendere of violating Vehicle Code section 23152(b) (driving with blood alcohol of .08% or more). Respondent was sentenced to serve two days jail time and probation for three years, and ordered to pay fines in the amount of \$1,631.00 and restitution in the amount of \$5,106.34. The circumstances are that on or about February 6, 2010, Respondent hit a parked car on Old Country Road in Belmont, California. Respondent attempted to flee the scene and failed field sobriety tests. Her blood alcohol was .13% and 14%.

15. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), and/or 490 in that on or about March 24, 2011, in a criminal proceeding entitled *The People of the State of California v. Meghan Lapetina* in Santa Clara County Superior Court, Case Number B1049260, Respondent was convicted by her plea of nolo contendere of violating Vehicle Code section 14601.2(a) (driving with a suspended license). Respondent was sentenced to serve probation for two years, and ordered to pay fines in the amount of \$270.00. The circumstances are that on or about August 10, 2010, Respondent was cited for driving with a suspended license.

1 16. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), 2762(c),
2 and/or 490 in that on or about June 3, 2011, in a criminal proceeding entitled *The People of the*
3 *State of California v. Meghan Lapetina* in San Mateo County Superior Court, Case Number
4 SM376008A, Respondent was convicted by her plea of nolo contendere of violating Health and
5 Safety Code section 11377 (illegal possession of controlled substance). Respondent was
6 sentenced to probation for 18 months, and ordered to pay fines in the amount of \$180.00. The
7 circumstances are that on or about June 1, 2011 at 2:11 a.m., Respondent was observed to be
8 sleeping in her car with the engine running in a parking lot located at the intersection of East
9 Third Avenue and Anchor Road in San Mateo, California. During a search, police officers
10 recovered methamphetamine, pancuronium bromide and anectine.

11 17. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), and/or
12 490 in that on or about March 13, 2012, in a criminal proceeding entitled *The People of the State*
13 *of California v. Meghan Lapetina* in San Mateo County Superior Court, Case Number
14 NM409144A, Respondent was convicted by her plea of nolo contendere of violating Vehicle
15 Code section 14601.1(a) (driving with a suspended license). Respondent was sentenced to serve
16 probation for 18 months, and ordered to pay fines in the amount of \$957.00. The circumstances
17 are that on or about March 11, 2012, Respondent was pulled over after failing to stop at a stop
18 sign located at the intersection of Hickey and Gateway Blvds. in Pacifica, California.

19 18. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), and/or
20 490 in that on or about April 27, 2012, in a criminal proceeding entitled *The People of the State of*
21 *California v. Meghan Lapetina* in San Mateo County Superior Court, Case Number NM408915A,
22 Respondent was convicted by her plea of nolo contendere of violating Penal Code section 415(2)
23 (disturbing the peace – fighting words). Respondent was sentenced to serve probation for one
24 year, and ordered to pay fines in the amount of \$402.00. The circumstances are that on or about
25 January 31, 2012, Respondent stole a hand-held radio at a motel in South San Francisco,
26 California, after an altercation with the motel clerk.

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